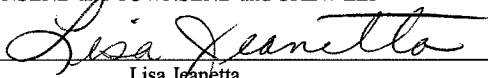


I hereby certify that this correspondence is being filed via  
EFS-Web with the United States Patent and Trademark Office  
on August 7, 2009.

PATENT  
Docket No.: 16222U-015700US  
Client Ref. No.: P-00885

TOWNSEND and TOWNSEND and CREW LLP

By:

  
Lisa Jeanetta

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Loc Nguyen

Application No.: 10/676,723

Filed: September 30, 2003

For: METHOD AND SYSTEM FOR  
MANAGING DYNAMIC TERMS AND  
CONDITIONS AND USER  
INTERACTION

Customer No.: 66945

Confirmation No.: 2942

Examiner: Retta, Yedega

Art Unit: 3629

PETITION TO WITHDRAW FINALITY  
OF REJECTION (37 CFR 1.181)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby petition from the decision of the Examiner to make the Office Action of July 9, 2009 final, and request withdrawal of the finality of said Action. A Request for Reconsideration and Request for Withdrawal of Finality of Office Action is being submitted concurrently herewith.

On page 3 of the Office Action dated December 18, 2008 claims 1-8 and 24-27 were rejected under 35 USC §102(b) as being anticipated by O'Toole, Jr. et al (US 2001/0037467). In an amendment dated March 18, 2009, Applicants amended independent claim 24 to include the subject matter of claims 25 and 26. Applicants noted on page 16 of the amendment that claim 24 was amended only to include subject matter

of claims 25 and 26. Thus, the substance of previously presented dependent claim 26 is the same as currently presented independent claim 24.

On page 2 of the Office Action dated July 9, 2009 claim 24, among others, was rejected under 35 USC §102(b) as being anticipated by Iannacci (US 2002/0062249).

This Office Action was made improperly final, as Applicants did not introduce new subject matter with regards to the amendment of claim 24, and did not have a full and fair chance to address the rejection to these claims based on "Iannacci". **Put another way, although the same claim was presented (i.e., previously submitted dependent claim 26 and currently presented independent claim 24) for examination, the Examiner improperly changed the basis of the rejection from anticipation based on O'Toole, Jr. et al. to Iannacci.** In view of the new citation of prior art, and the improper finality, the USPTO is requested to withdraw the finality of the Office Action and issue a non-final Office Action re-starting the period for response.

Applicants therefore petition that the finality of this rejection be withdrawn, and it be treated as a non-final rejection, and request a decision be issued to that effect.

This petition being filed not later than two months from the Action, is considered timely. Please charge any fees associated with this petition to Deposit Account No. 20-1430.

Respectfully submitted,



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